REMARKS

The Examiner is thanked for the performance of a thorough search.

By this amendment, Claims 1-6 have been amended. Claim 7 has been added.
No claims have been cancelled. Hence, Claims 1-7 are pending in the application.

I. SUMMARY OF THE REJECTIONS/OBJECTIONS

Claims 1-6 have been rejected under 35 U.S.C. § 102(e) as allegedly anticipated
by U.S. Patent Number 6,240,416 issued to Immon et al. (*"Immon"*). The rejections are
respectfully traversed.

II. RESPONSE TO REJECTIONS BASED ON THE PRIOR ART

Claims 1-7 are patentable over the cited art because one or more express
limitations featured in each of Claims 1-7 are not shown, taught, or suggested by the cited
art.

A. Discussion of Immon

A brief review of *Immon* will significantly aid the understanding of that reference
with respect to the application since it is respectfully submitted that *Immon* does not
disclose the express limitations of Claims 1-7.

Immon describes a system and method for creating and managing metadata for a
distributed computing environment while maintaining the integrity of the metadata
(Abstract). *Immon* states that the "present invention relates to... the type of topology
...where metadata is gathered at any participating site – distributed or centralized,
managed there under a system of record, and the system of record is maintained across all
servers participating in the network" (Col. 6, lines 32-36).

The use of metadata in *Immon* does not extend to configuring the operation of
devices. *Immon* states at Col. 9, lines 56-58 that "in a word, the existence and operation
of distributed metadata is independent of hardware platform, DBMS, or operating
system." *Immon* further states, "the platforms and the DBMS found on the platform do
not make any difference to the operation and the utility of the support of distributed
metadata" (Col. 11, lines 25-28). Thus, while the use of metadata reflecting application

data in *Immon* is described, e.g., Fig. 1 teaches metadata describing screen/reports, data specifications, business documentation, structural layouts, and system measurements, there is no description in *Immon* of using metadata that reflects configuration information about a system or a plurality of devices in the system that dictates a manner of operation for a device.

In fact, *Immon* does not suggest the concept of configuring a system or device using metadata. While *Immon* describes synchronizing a device using metadata, merely verifying that the metadata residing in the system of record is the most current version does not involve the act of configuration. To illustrate the point of how synchronization and configuration are distinct and separate, consider a simple example using a personal digital assistance ("PDA"). The PDA may be synchronized (e.g., by refreshing appointment data and metadata for a calendar application by connecting to a network) without the PDA being configured (e.g., no configuration settings on the PDA are changed). Likewise, the PDA may be configured (e.g., the operation of the PDA may customized by a user) without being synchronized (e.g., the PDA is not connected to a network and no metadata is checked to see if it is the most recent version). Thus, the act of one does not necessarily involve or imply the act of the other. In other words, simply updating a set of metadata with a most recent version does not, in and of itself, involve configuring the device in which the metadata resides.

B.   Claims 1 and 3

Independent Claim 1 features the following express limitations:

> "gathering and storing in a centralized repository metadata that reflects
> configuration information about said system, and about each device
> of said plurality of devices, wherein said configuration information
> dictates a manner of operation for one or more of said plurality of
> devices within said network;
> modifying metadata within said centralized repository to initiate
> configuration changes within said network; and
> modifying the operation of one or more of said plurality of devices within
> said network by propagating said configuration changes from said
> centralized repository to the devices on said network to cause said
> configuration changes to take place."

Immon shows none of the express limitations of Claim 1 quoted above.

Immon does not show "gathering and storing in a centralized repository metadata that reflects configuration information about said system, and about each device of said plurality of devices, wherein said configuration information dictates a manner of operation for one or more of said plurality of devices within said network" as required by Claim 1. The portion of *Immon* cited to show this express limitation (Col. 3, lines 23-32), as well as the entire *Immon* reference, does not show "metadata that reflects configuration information about said system, and about each device of said plurality of devices, wherein said configuration information dictates a manner of operation for one or more of said plurality of devices within said network" as required by Claim 1. At best, this portion of *Immon* describes metadata accessible under a set of rules, but contains no description of what the metadata describes or reflects. Accordingly, *Immon* does not show this express limitation.

Immon further does not show "modifying metadata within said centralized repository to initiate configuration changes within said network" as required by Claim 1. First, *Immon* does not show metadata as claimed by Claim 1, because there is no suggestion in *Immon* of metadata that reflects configuration information about said system, and about each device of said plurality of devices, wherein said configuration information dictates a manner of operation for one or more of said plurality of devices within said network. Second, the portion of *Immon* cited to show this express limitation (Col. 12, lines 13-17) lacks the concept of modifying metadata to "initiate configuration changes within said network" as required by Claim 1. Instead, the portion of *Immon* cited by the Office Action merely describes refreshing and verifying metadata, which is separate and distinct from "modifying metadata within said centralized repository to initiate configuration changes within said network." Accordingly, *Immon* does not show this express limitation.

Moreover, *Immon* does not show "modifying the operation of one or more of said plurality of devices within said network by propagating said configuration changes from said centralized repository to the devices on said network to cause said configuration changes to take place" as required by Claim 1. First, *Immon* does not show metadata as claimed by Claim 1, because there is no suggestion in *Immon* of metadata that reflects

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configuration information about said system, and about each device of said plurality of devices, wherein said configuration information dictates a manner of operation for one or more of said plurality of devices within said network. Second, the portion of *Immon* replied upon by the Office Action to show this element (Col. 12, lines 30-32) does not show this express limitation, as there is not even suggestion of propagating configuration changes. This portion of *Immon* merely describes synchronizing metadata, which is a separate and distinct concept from propagating configuration changes. Accordingly, *Immon* does not show this express limitation.

Because *Immon* fails to disclose, teach, suggest, or in any way render obvious the above-quoted express limitations of Claim 1, it is respectfully submitted that, for at least the reasons stated above, Claim 1 is allowable over *Immon* and is in condition for allowance.

Claim 3 is a dependent claim that directly depends on Claim 1. Claim 3 is therefore allowable for at least the reasons given above for Claim 1. In addition, Claim 3 introduces additional limitations that independently render it patentable. However, due to the fundamental differences already identified, to expedite the positive resolution of this case a separate discussion of those limitations is not included at this time.

C.   Claim 2

Independent Claim 2 features the following express limitations:

> gathering and storing in a centralized repository metadata that reflects
>> configuration information about said system, and about each device of said plurality of devices, wherein said configuration information dictates a manner of operation for one or more of said plurality of devices within said network; and
>
> in response to a failure of the system,
>> recovering the centralized repository from a backup,
>> using the metadata within the centralized repository to configure the system, and
>> after the system is configured, recovering the system.

Immon shows none of the express limitations of Claim 2 quoted above.

Immon does not show "gathering and storing in a centralized repository metadata that reflects configuration information about said system, and about each device of said

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plurality of devices, wherein said configuration information dictates a manner of operation for one or more of said plurality of devices within said network" as required by Claim 2. The portion of *Immon* cited to show this express limitation (Col. 3, lines 23-32), as well as the entire *Immon* reference, does not show "metadata that reflects configuration information about said system, and about each device of said plurality of devices, wherein said configuration information dictates a manner of operation for one or more of said plurality of devices within said network" as required by Claim 2. At best, this portion of *Immon* describes metadata accessible under a set of rules, but contains no description of what the metadata describes or reflects. Accordingly, *Immon* does not show this express limitation.

The Office Action does not assert that any other cited portion of *Immon* shows any other express limitation of Claim 2. The Office Action includes an incomplete cite next to an element of Claim 2, namely (col. , line 57-61), but does not contain any description, explanation, or argument accompanying the incomplete cite. Accordingly, Applicants respectfully note that, to the extent the incomplete cite constitutes an argument, the Applicant is unable to understand or respond to what is meant by the incomplete cite.

Applicants submit that *Immon* does not show the express element of "in response to a failure of the system, recovering the centralized repository from a backup, using the metadata within the centralized repository to configure the system, and after the system is configured, recovering the system." Applicants note that no portion of *Immon* has been cited to show this express limitation. Further, no portion of *Immon* describes any action performed "in response to a failure of the system" as required by Claim 2. Additionally, no portion of *Immon* describes, "recovering the centralized repository from a backup" as required by Claim 2. Moreover, no portion of *Immon* describes "using the metadata within the centralized repository to configure the system" as required by Claim 2. Finally, no portion of *Immon* describes, "after the system is configured, recovering the system" as required by Claim 2. Accordingly, *Immon* does not show this express limitation.

Because *Immon* fails to disclose, teach, suggest, or in any way render obvious the above-quoted express limitations of Claim 2, it is respectfully submitted that, for at least the reasons stated above, Claim 2 is allowable over *Immon* and is in condition for

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allowance.

D.   Claim 4

Independent Claim 4 features the following express limitations:

> gathering and storing in a centralized repository metadata that reflects
> configuration information about said system, and about each device
> of said plurality of devices, wherein said configuration information
> dictates a manner of operation for one or more of said plurality of
> devices within said network;
> managing configuration of said system based upon the metadata within
> said centralized repository; and
> in response to a failure of the system,
> configuring the system based on the metadata restored in the centralized
> repository, and
> after the system is configured, recovering the system.

Immon shows none of the express limitations of Claim 4 quoted above.

Immon does not show "gathering and storing in a centralized repository metadata that reflects configuration information about said system, and about each device of said plurality of devices, wherein said configuration information dictates a manner of operation for one or more of said plurality of devices within said network" as required by Claim 4. The portion of *Immon* cited to show this express limitation (Col. 3, lines 23-32), as well as the entire *Immon* reference, does not show "metadata that reflects configuration information about said system, and about each device of said plurality of devices, wherein said configuration information dictates a manner of operation for one or more of said plurality of devices within said network" as required by Claim 4. At best, this portion of *Immon* describes metadata accessible under a set of rules, but contains no description of what the metadata describes or reflects. Accordingly, *Immon* does not show this express limitation.

The Office Action does not assert that any cited portion of *Immon* shows "managing configuration of said system based upon the metadata within said centralized repository" as required by Claim 4. The Office Action includes an incomplete cite next to this element, namely (col. , line 57-61), but does not contain any description, explanation, or argument accompanying the incomplete cite. Accordingly, Applicants respectfully

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note that, to the extent the incomplete cite constitutes an argument, the Applicant is unable to understand or respond to what is meant by the incomplete cite.

No portion of *Immon*, however, shows "managing configuration of said system based upon the metadata within said centralized repository" as required by Claim 4. As previously explained, the metadata of *Immon* is not used to configure a system as required by Claim 4. Accordingly, *Immon* does not show this express limitation.

The Office Action does not assert that any cited portion of *Immon* shows "in response to a failure of the system, configuring the system based on the metadata restored in the centralized repository, and after the system is configured, recovering the system" as required by Claim 4. The Office Action includes an incomplete cite next to this element, namely (col. , line 57-61), but does not contain any description, explanation, or argument accompanying the incomplete cite. Accordingly, Applicants respectfully note that, to the extent the incomplete cite constitutes an argument, the Applicant is unable to understand or respond to what is meant by the incomplete cite.

Applicants submit that no portion of *Immon* shows the express element of "in response to a failure of the system, configuring the system based on the metadata restored in the centralized repository, and after the system is configured, recovering the system" as required by Claim 4. No portion of *Immon* is cited to show configuring "in response to a failure of the system." Indeed, the concept of a failure of the system is absent from *Immon*.

The Office Action attempts to show configuring "in response to a failure of the system" by initially acknowledging that *Immon* does not explicitly indicate a failure as recited in the claims, then pointing to portions of *Immon* that describe refreshing metadata, and concluding that *Immon* implicitly discloses a backup process because "Immon teaches a source of consistent metadata data which can be used as a backup." Assuming, arguendo, that this is true, *Immon* still could not show "in response to a failure of the system, configuring the system based on the metadata restored in the centralized repository."

Further, *Immon* does not suggest performing any action "in response to a failure of the system" as required by Claim 4. More specifically, *Immon* lacks the concept of "in response to a failure of the system, configuring the system based on the metadata restored

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in the centralized repository" and "after the system is configured, recovering the system" as required by Claim 4, and no portion of *Immon* is cited to show these express limitation. Accordingly, *Immon* does not show this express limitation.

Because *Immon* fails to disclose, teach, suggest, or in any way render obvious the above-quoted express limitations of Claim 4, it is respectfully submitted that, for at least the reasons stated above, Claim 4 is allowable over *Immon* and is in condition for allowance.

E.   Claim 5

Independent Claim 5 features the following express limitations:

> gathering and storing in a centralized repository metadata that reflects
>> configuration information about said system, and about each device of said plurality of devices, wherein said configuration information dictates a manner of operation for one or more of said plurality of devices within said network; and
>
> replicating said system by performing the steps of,
>> copying said metadata to a second centralized repository associated with a second system, and
>> configuring said second system based on the metadata contained in said second centralized repository.

Immon shows none of the express limitations of Claim 5 quoted above.

Immon does not show "gathering and storing in a centralized repository metadata that reflects configuration information about said system, and about each device of said plurality of devices, wherein said configuration information dictates a manner of operation for one or more of said plurality of devices within said network" as required by Claim 5. The portion of *Immon* cited to show this express limitation (Col. 3, lines 23-32), as well as the entire *Immon* reference, does not show "metadata that reflects configuration information about said system, and about each device of said plurality of devices, wherein said configuration information dictates a manner of operation for one or more of said plurality of devices within said network" as required by Claim 5. At best, this portion of *Immon* describes metadata accessible under a set of rules, but contains no description of what the metadata describes or reflects. Accordingly, *Immon* does not show this express limitation.

Immon does not show "replicating said system by performing the steps of, copying said metadata to a second centralized repository associated with a second system, and configuring said second system based on the metadata contained in said second centralized repository" as required by Claim 5. First, *Immon* does not describe metadata as claimed by Claim 5. Second, the portion of *Immon* relied upon in the Office Action to show this element (Col. 11-12 "AUTOMATIC SYNCHRONIZATION", Col. 12, lines 13-16, Col. 8, lines 1-25, Col. 12, lines 1-32, and Col. 6, lines 32-35) lacks the concept of configuring said second system based on the metadata as required by Claim 5. Accordingly, *Immon* does not show this express limitation.

Because *Immon* fails to disclose, teach, suggest, or in any way render obvious the above-quoted express limitations of Claim 5, it is respectfully submitted that, for at least the reasons stated above, Claim 5 is allowable over *Immon* and is in condition for allowance.

F.   Claim 6

Independent Claim 6 features the following express limitations:

> gathering and storing in a centralized repository metadata that reflects configuration information about said system, and about each device of said plurality of devices, wherein said configuration information dictates a manner of operation for one or more of said plurality of devices within said network; and
> managing configuration of at least two of an application layer, an operating systems layer, and a hardware layer of said system based upon the metadata within said centralized repository.

Immon shows none of the express limitations of Claim 6 quoted above.

Immon does not show "gathering and storing in a centralized repository metadata that reflects configuration information about said system, and about each device of said plurality of devices, wherein said configuration information dictates a manner of operation for one or more of said plurality of devices within said network" as required by Claim 6. The portion of *Immon* cited to show this express limitation (Col. 3, lines 23-32), as well as the entire *Immon* reference, does not show "metadata that reflects configuration information about said system, and about each device of said plurality of devices, wherein said configuration information dictates a manner of operation for one or more of said

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plurality of devices within said network" as required by Claim 6. At best, this portion of *Immon* describes metadata accessible under a set of rules, but contains no description of what the metadata describes or reflects. Accordingly, *Immon* does not show this express limitation.

Immon does not show "managing configuration of at least two of an application layer, an operating systems layer, and a hardware layer of said system based upon the metadata within said centralized repository" as required by Claim 6. First, *Immon* lacks the concept of configuring anything based upon metadata, let alone configuring "at least two of an application layer, an operating systems layer, and a hardware later of said system based upon the metadata within said centralized repository" as required by Claim 6.

Moreover, the portion of *Immon* relied upon by the Office Action (Col. 7, lines 9-11 and 16-18) to show this element is directed towards explaining the distinction between system of record metadata and deadlock metadata. *Immon* states that the "present invention relates to… the type of topology …where metadata is gathered at any participating site – distributed or centralized, managed there under a system of record, and the system of record is maintained across all servers participating in the network" (Col. 6, lines 32-36). In other words, the technique of *Immon* for storing metadata is applicable only for metadata stored within the system of record ("system of record metadata").

Conversely, there is no description in *Immon* of how deadlock data could be used with the approach of *Immon*. For example, at Col 7, line 23 *Immon* states, "with deadlock metadata, there is no system of record." It is unclear how the approach of *Immon* would work without a system of record as described by *Immon*. Thus, the portion of *Immon* describing deadlock data can not show "managing configuration of at least two of an application layer, an operating systems layer, and a hardware layer of said system based upon the metadata within said centralized repository" as required by Claim 6 because there is no support in *Immon* for how deadlock data would work with the approach of *Immon*.

Because *Immon* fails to disclose, teach, suggest, or in any way render obvious the above-quoted express limitations of Claim 6, it is respectfully submitted that, for at least

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the reasons stated above, Claim 6 is allowable over *Immon* and is in condition for allowance.

G.   New Claim 7

New Claim 7 is a computer-readable medium claim that is also a multiple dependent claim that depends upon each of method Claims 1-6, and thus includes each and every feature of corresponding Claims 1-6. Therefore, it is respectfully submitted that Claim 7 is allowable for at least the reasons given above with respect to Claims 1-6.

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III. CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any fee shortages or credit any overages Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Christopher J. Brokaw
Reg. No. 45,620

1600 Willow Street
San Jose, CA 95125
(408) 414-1080, ext. 207
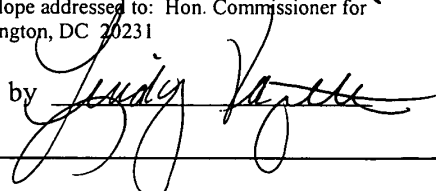Date: November 27, 2002
Facsimile: (408) 414-1076

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VERSION WITH MARKINGS TO SHOW CHANGES MADE TO CLAIMS

All pending claims are reproduced below in marked-up form, whether or not amended, for the convenience of examination. Additions to the claims are indicated with **bold** text; deletions to the claims are indicated with a ~~strikethrough~~.

1.   (Once amended) A method for managing a system that includes a plurality of devices arranged in a network, the method comprising the steps of:

gathering and storing in a centralized repository metadata that reflects
   configuration information about said system, and about each device of said
   plurality of devices, **wherein said configuration information dictates a
   manner of operation for one or more of said plurality of devices
   within said network;**

modifying metadata within said centralized repository to initiate configuration
   changes within said network; and

**modifying the operation of one or more of said plurality of devices within
   said network by** propagating said configuration changes from said
   centralized repository to the devices on said network to cause said
   configuration changes to take place.

2.   (Once amended) A method for managing a system that includes a plurality of devices arranged in a network, the method comprising the steps of:

gathering and storing in a centralized repository metadata that reflects
   configuration information about said system, and about each device of said
   plurality of devices, **wherein said configuration information dictates a
   manner of operation for one or more of said plurality of devices
   within said network; and**

in response to a failure of the system,

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recovering the centralized repository from a backup,

using the metadata within the centralized repository to configure the
system, and

after the system is configured, recovering the system.

3.   (Once amended) The method of Claim 1, wherein the step of gathering and
storing in a centralized repository metadata is performed by **includes** gathering
and storing metadata in a centralized repository [metadata] that resides outside
said system.

4.   (Once amended) A method for managing a system that includes a plurality of
devices arranged in a network, the method comprising the steps of:

gathering and storing in a centralized repository metadata that reflects
configuration information about said system, and about each device of said
plurality of devices, **wherein said configuration information dictates a
manner of operation for one or more of said plurality of devices
within said network;**

managing configuration of said system based upon the metadata within said
centralized repository; and

in response to a failure of the system,

configuring the system based on the metadata restored in the centralized
repository, and

after the system is configured, recovering the system.

5.   (Once amended) A method for managing a system that includes a plurality of
devices arranged in a network, the method comprising the steps of:

gathering and storing in a centralized repository metadata that reflects
configuration information about said system, and about each device of said

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plurality of devices, **wherein said configuration information dictates a
manner of operation for one or more of said plurality of devices
within said network; and**

replicating said system by performing the steps of,

    copying said metadata to a second centralized repository associated with a
        second system, and

    configuring said second system based on the metadata contained in said
        second centralized repository.

6.   (Once amended) A method for managing a system that includes a plurality of
devices arranged in a network, the method comprising the steps of:

gathering and storing in a centralized repository metadata that reflects
    configuration information about said system, and about each device of said
    plurality of devices, **wherein said configuration information dictates a
    manner of operation for one or more of said plurality of devices
    within said network**; and

managing configuration of at least two of an application layer, an operating
    systems layer, and a hardware layer of said system based upon the
    metadata within said centralized repository.

7.   (New) A computer readable medium carrying one or more sequences of
instructions for managing a system that includes a plurality of devices arranged in
a network, wherein execution of the one or more sequences of instructions by one
or more processors causes the one or more processors to perform the steps of
Claims 1, 2, 3, 4, 5, or 6.

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